



# House of Representatives

General Assembly

**File No. 630**

*January Session, 2015*

House Bill No. 7003

*House of Representatives, April 14, 2015*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING THE VALIDITY OF MARRIAGES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2015*) The public policy of the state
- 2 of Connecticut shall be that all marriages are presumed valid and that
- 3 no marriage shall be held to be invalid or bigamous, based on a
- 4 jurisdictional defect in a prior divorce of one of the parties.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2015</i>	New section
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**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill, which ensures the validity of a marriage entered into by someone previously divorced in another state or country, has no fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****HB 7003*****AN ACT CONCERNING THE VALIDITY OF MARRIAGES.*****SUMMARY:**

This bill declares that it is the state's policy to presume that all marriages are valid and that a marriage is not invalid or bigamous because of a jurisdictional defect in one party's prior divorce.

A jurisdictional defect is something that would deprive a court of the ability to properly hear and decide a case. These defects can include failing to meet the requirements to bring a divorce action, such as failing to make proper court filings, satisfy notice requirements (such as proper notice to the other party), or meet residency requirements. A jurisdictional defect may prevent a court from validly entering a divorce decree.

The bill appears to apply to defects in prior divorces in any jurisdiction, including Connecticut, other states, and other countries.

EFFECTIVE DATE: July 1, 2015

**BACKGROUND*****Connecticut Divorces and Recognition of Out-of-State Divorce Judgments***

To obtain a divorce decree from a Connecticut court, at least one party must be a state resident. A number of requirements govern dissolution of marriage proceedings (CGS § 46b-40 et seq.).

Divorce judgments from other states are enforceable in Connecticut if both parties entered an appearance in the other state's court proceeding and the judgment does not contravene Connecticut's public policy (CGS §§ 46b-70 et seq.).

Connecticut courts recognize divorce judgments from other countries as a matter of comity (i.e., respect for foreign courts rather than as a legal obligation). But courts do not recognize them under certain circumstances, such as when the foreign court did not have jurisdiction or did not provide the parties with due process. Jurisdiction generally requires a party to be living in that country at the time of the decree (*Juma v. Aomo*, 143 Conn.App. 51 (2013), citing *Litvaitis v. Litvaitis*, 162 Conn. 540 (1972)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 42      Nay 0      (03/27/2015)